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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	**No. M:06-cv-01791-VRW**
This Document Relates To: *United States v. Rabner, et al.* (07-1324); *United States v. Gaw, et al.* (07-1242); *United States v. Adams, et al.* (07-1323); *United States v. Palermino, et al.* (07-1326); *United States v. Volz, et al.* (07-1396); *Clayton, et al. v. AT&T Communications of the Southwest, Inc., et al.* (07-1187)	**STIPULATION AND PROPOSED ORDER TO RESET BRIEFING AND HEARING SCHEDULE** Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker Hearing: April 1, 2009

RECITALS

1. On December 23, 2008, United States filed an eight-page motion for summary judgment in the above-captioned state cases pursuant to Section 803 of the FISA Amendments Act, 50 U.S.C. § 1885b. The United States noticed that motion for March 26, 2009, and the Court subsequently reset the hearing for April 1, 2009. *See* Dkt. 539 in 06-cv-01791.

2. The state officials sought to defer all briefing on the United States' motion, *see* Dkt. 543 in 06-cv-01791, until the Court issued a ruling on separate issues concerning Section 802 of the FISA Amendments Act, *see* 50 U.S.C. § 1885a. The United States opposed this request, *see* Dkt. 549 in 06-cv-01791.

3. After the Court denied the requested deferral of briefing, *see* Dkt. 558 in 06-cv-

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01791, the United States again approached the state officials to suggest a modification of briefing and hearing schedule.

4. Consistent with the terms of the minute order that set the April 1, 2009 Hearing, the United States, state officials, and telecommunication carrier defendants in the state cases have reached agreement on and seek the Court's approval of a modified schedule for the state cases and submit this stipulation and proposed order. Under the proposed schedule: (i) the opposition to the United States' motion would be filed by March 20, 2009; (ii) the United States would reply by April 9, 2009; (iii) the telecommunication carrier defendants may respond to the United States' motion and any response thereto by April 9, 2009; and (iv) a sur-reply could be filed by April 23, 2009.

5. Under this schedule, the parties ask that the current hearing be reset to May 7, 2009, which is currently indicated as an open hearing date on the Court's website, or as soon thereafter as is convenient for the Court.

STIPULATION

The United States, state officials, and telecommunication carrier defendants, through their undersigned counsel, hereby stipulate to the following schedule, and request that the Court make this stipulation an order of the Court:

March 20, 2009	Opposition to the United States' motion for summary judgment in the State Cases
April 9, 2009	United States replies in support of its motion
	Telecommunication carrier defendants respond to the United States' motion and any responses thereto
April 23, 2009	Sur-reply of the state officials
May 7, 2009	Hearing on the United States' motion

DATED: February 24, 2009

Respectfully Submitted,

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, ALEXANDER K. HAAS, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on February 24, 2009, in the City of Washington, District of Columbia.

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By *__/s/ Christopher Zaetta G.O. 45______*
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[PROPOSED] ORDER

Pursuant to the foregoing stipulation, and good cause appearing, it is hereby ORDERED that:

March 20, 2009	Opposition to the United States' motion for summary judgment in the State Cases
April 9, 2009	United States replies in support of its motion
	Telecommunication carrier defendants respond to the United States' motion and any responses thereto
April 23, 2009	Sur-reply of the state officials
May 7, 2009	Hearing on the United States' motion

IT IS SO ORDERED.

Dated: ________, 2009.

____
Hon. Vaughn R. Walker
United States District Chief Judge